

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SAJ-01 ACDA-07 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 IO-13 TRSE-00 /080 W

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P R 011421Z DEC 76

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC 3518

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USNATO

AMCONSUL BREMEN

AMCONSUL HAMBURG

C O N F I D E N T I A L USBERLIN 2571

E.O.11652: GDS

TAGS: PGOV, WB, US, UK, FR, UR

SUBJECT: SOVIET PROTEST ABOUT JOINT MEETING OF SENATS OF HAMBURG
BREMEN AND BERLIN IN BERLIN NOVEMBER 5

REF: USBER 2425

1. FOLLOWING IS PROPOSED TEXT OF REPLY AGREED AMONG ALLIED
MISSIONS IN BERLIN TO SOVIET PROTEST REPORTED REFTEL.

BEGIN QUOTE

WITH RESPECT TO YOUR STATEMENT OF NOVEMBER

9 ON A MEETING OF THE SENATS OF BERLIN, HAMBURG AND

BREMEN IN BERLIN, I HAVE BEEN ASKED BY THE THREE ALLIED

GOVERNMENTS TO CONFIRM THE INITIAL COMMENTS MADE TO YOU

ON THAT DAY BY THE CHAIRMAN POLITICAL ADVISER AND TO

REFER YOU AGAIN TO THE STATEMENTS MADE IN CONNECTION

WITH SOMEWHAT SIMILAR MATTERS BY THEIR REPRESENTATIVES TO

THE SOVIET EMBASSIES IN WASHINGTON, AND LONDON, MAY

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28, 1976 AND IN PARIS , JUNE 1, AND BY THE CHAIRMAN POLAD

TO YOU ON OCTOBER 11.

I HAVE ALSO BEEN ASKED TO EXPRESS THE VIEW OF THE THREE ALLIED GOVERNMENTS THAT AUTHORITIES OR BODIES OF THE LAENDER ARE NOT STATE BODIES OF THE FEDERAL REPUBLIC OF GERMANY. THAT THIS WAS RECOGNISED BY ALL PARTIES TO THE QUADRIpartite AGREEMENT IS ABUNDANTLY CLEAR BOTH FROM THE NEGOTIATING HISTORY AND FROM THE TEXT OF THE QUADRIpartite AGREEMENT ITSELF. IN PARTICULAR, THE LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR CONCERNING THE INTERPRETATION OF ANNEX II PROVIDES THAT "THE TERM 'STATE BODIES' IN PARAGRAPH 2 OF ANNEX II SHALL BE INTERPRETED TO MEAN: THE FEDERAL PRESIDENT, THE FEDERAL CHANCELLOR, THE FEDERAL CABINET, THE FEDERAL MINISTERS AND MINISTRIES, AND THE BRANCH OFFICES OF THOSE MINISTRIES, THE BUNDESRAT AND THE BUNDESTAG AND ALL FEDERAL COURTS." THERE WAS NO NECESSITY TO REFER IN THE QUADRIpartite AGREEMENT TO BODIES AND AUTHORITIES OF THE LAENDER AS THEY CAN, BY THEIR VERY NATURE, EXERCISE AUTHORITY ONLY OVER THEIR OWN LAND.

FINALLY, I HAVE BEEN ASKED BY THE THREE ALLIED GOVERNMENTS TO ADDRESS THE ASSERTION IN YOUR STATEMENT OF NOVEMBER 9 THAT IT IS SAID IN ANNEX II, PARAGRAPHS 1 AND 2 OF THE QUADRIpartite AGREEMENT "IN PARTICULAR THAT STATE BODIES OF THE FEDERAL REPUBLIC OF GERMANY WILL NOT PERFORM IN THE WESTERN SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL ACTS." AS YOU ARE AWARE, IT IS DEFINITELY STATED IN THE ABOVE-MENTIONED LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR CONCERNING INTERPRETATION OF ANNEX II THAT "THE PHRAUSE IN PARAGRAPH 2 OF ANNEX II OF THE QUADRIpartite AGREEMENT WHICH READS 'WILL NOT PERFORM IN THE WESTERN SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL ACTS WHICH CONTRADICT THE PROVISIONS OF PARAGRAPH 1' SHALL BE INTERPRETED TO MEAN ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS OF BERLIN." THESE PROVISIONS DO NOT, THEREFORE, RESTRICT THE ACTIVITIES IN BERLIN OF FEDERAL BODIES OR OFFICIALS WHICH DO NOT INVOLVE THE

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EXERCISE OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS. END TEXT.
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